

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CRYSTAL BEAR, by and through
her Guardian Ad Litem, Gary
N. Bloom,

Plaintiff,

v.

FORD MOTOR COMPANY, a
Delaware corporation; and
MARLA BEAR MOTTESHARD, a
single person,

Defendants.

NO. CV-05-253-EFS

**ORDER ENTERING THE COURT'S
ORAL RULINGS FROM MARCH 3,
2008, TRIAL CONFERENCE**

A Trial Conference was held in the above-captioned matter on March 3, 2008, in Spokane, Washington. Richard C. Eymann and Raymond F. Thomas appeared on behalf of Plaintiff Crystal Bear; Caryn G. Jorgensen, Donald H. Dawson, Kathleen A. Clark, and Kasey D. Huebner appeared on behalf of Defendant Ford Motor Company; and Patrick G. McMahon appeared on behalf of Defendant Marla Bear Motteshard. Before the Court were Defendant Ford's Motion to Dismiss and for Directed Verdict (Ct. Rec. 402) and Plaintiff's Motion to Limit Other Vehicle Evidence in Defendant's Case-

1 In-Chief (Ct. Rec. 401). This Order serves to memorialize the Court's
2 oral rulings on these motions as well as memorialize the Court's rulings
3 on other pending motions.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. For the reasons articulated on the record, Defendant Ford's
6 Motion to Dismiss and for Directed Verdict (**Ct. Rec. 402**) is **GRANTED IN**
7 **PART** (as to Plaintiff's warnings and instructions claim on the Bronco
8 II's handling and stability) and **DENIED IN PART** (as to motion for
9 directed verdict).

10 2. For the reasons articulated on the record, Plaintiff's Motion to
11 Limit Other Vehicle Evidence in Defendant's Case-In-Chief (**Ct. Rec. 401**)
12 is **DENIED**. The Court will make exhibit-by-exhibit rulings as they arise
13 during the course of trial.

14 3. Defendant Ford's Response to Plaintiff's Motion to Limit Other
15 Vehicle Evidence in Defendant's Case-In-Chief (**Ct. Rec. 404**) is **DENIED**
16 **AS MOOT**. Court Record 404 is a response to Plaintiff's motion
17 (Ct. Rec. 401) and was improperly filed as a motion.

18 4. For the reasons articulated on the record, Defendant Ford's oral
19 motion to strike Dr. Melvin Richardson's testimony is **DENIED**.

20 5. For the reasons articulated on the record at the January 29,
21 2008, and February 12, 2008, Pretrial Conferences, Plaintiff's Motion *in*
22 *Limine* to Exclude Multiple Items on Exhibit List of Defense Expert Lee
23 Carr and Related Testimony and Evidence (**Ct. Rec. 197**) is **DENIED**. The
24 Court will make exhibit-by-exhibit rulings as they arise during the
25 course of trial.

26 6. For the reasons articulated on the record at the January 29,
2008, and February 12, 2008, Pretrial Conferences, Plaintiff's Motion to

1 Exclude NHTSA Evidence (**Ct. Rec. 184**) is **DENIED** to the extent that NHTSA
2 testing evidence on substantially similar vehicles will generally be
3 permitted. The Court, however, will make exhibit-by-exhibit rulings as
4 they arise during the course of trial.

5 **IT IS SO ORDERED.** The District Court Executive is directed to
6 enter this Order and distribute copies to counsel.

7 **DATED** this 4th day of March, 2008.

8
9 s/Edward F. Shea
EDWARD F. SHEA
10 United States District Judge

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